

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ERIC SOUVANNAKANE,  
Plaintiff

v.

SEARS, ROEBUCK & CO., WILLIAM  
SULLIVAN, RICHARD SPELLMAN,  
BARBARA TAGLIARINO, KEVIN SULLIVAN,  
ALICIA COVIELLO, GARY MANSFIELD  
Defendants

Civil Action No. 0412164MLW

**ASSENTED-TO MOTION OF DEFENDANTS SEARS, ROEBUCK AND CO.,  
WILLIAM SULLIVAN, RICHARD SPELLMAN, BARBARA TAGLIARINO,  
KEVIN SULLIVAN AND ALICIA COVIELLO  
FOR LEAVE TO FILE ANSWER LATE**

Defendants Sears, Roebuck and Co. (“Sears”), William Sullivan, Richard Spellman, Barbara Tagliarino, Kevin Sullivan and Alicia Coviello (collectively the “Sears Defendants”) hereby move, with the assent of both the plaintiff and co-defendant, that this Court grant them leave to file their answer to the plaintiff’s Complaint late. In support of this motion, the Sears Defendants state as follows:

The plaintiff filed his Complaint on October 14, 2004. Officer Mansfield, co-defendant to the Sears Defendants and represented by separate counsel, filed his answer to the plaintiff’s Complaint on December 31, 2004. In lieu of an answer, the Sears Defendants timely filed a motion to dismiss the plaintiff’s Complaint in its entirety on December 13, 2004, to which the plaintiff filed an opposition on December 27, 2004. The Court held a hearing on the Sears Defendants’ motion to dismiss on September 29, 2005, at which time Judge Wolf allowed the motion in part, and denied it in part. At the

conclusion of the hearing, Judge Wolf held a Scheduling Conference and issued a Scheduling Order. To date, all parties have adhered to the terms of the Scheduling Order.

Counsel for the Sears Defendants recently realized that, through inadvertence, they had not yet filed an answer to the plaintiff's Complaint. The Sears Defendants now respectfully request that this Court allow their motion, allowance of the motion will not result in prejudice to any party, and allowance of the motion will not affect or delay any of the deadlines set forth in the Court's Scheduling Order.

WHEREFORE the Sears Defendants respectfully request that this Court grant them leave to file their answer to the plaintiff's Complaint, which is submitted with this motion.

Defendants,  
Sears, Roebuck and Co., William Sullivan,  
Richard Spellman, Barbara Tagliarino,  
Alicia Coviello, and Kevin Sullivan  
By their Attorneys,

/s/ Liza J. Tran  
Christine M. Netski, (BBO No. 546936)  
Liza J. Tran (BBO No. 646818)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9th Floor  
Boston, MA 02114  
(617) 227-3030

Defendant,  
Gary Mansfield  
By his Attorneys,

/s/ John J. Cloherty, III  
John J. Cloherty, III (BBO No. 566522)  
Ten Winthrop Square  
Boston, MA 02110  
(617) 350-0950

Plaintiff,  
Eric Souvannakane  
By his Attorneys,

/s/ Kurt S. Olson  
Kurt S. Olson (BBO No. 632300)  
500 Federal Street  
Andover, MA 01810  
(978) 681-0800

DATED: May 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2006, I electronically filed this Amended Joint Notice of Settlement Conference with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

John J. Cloherty, III, Esquire  
Ten Winthrop Square  
Boston, MA 02110

Kurt S. Olson, Esquire  
500 Federal Street  
Andover, MA 01810

/s/ Liza J. Tran  
Liza J. Tran

#377305